

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99-9175

Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Margaret Keliher, Judge of the 44th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

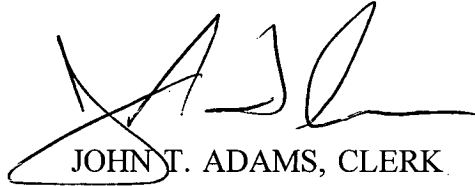
The Commission for Lawyer Discipline v. Ray L. Shackelford

to be filed in a District Court of Harris County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Supreme Court of Texas, in chambers,

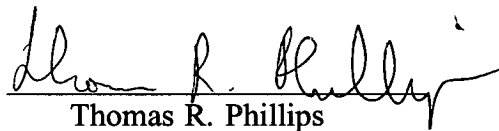
with the Seal thereof affixed at the City
of Austin, this 27th day of September, 1999.

A handwritten signature in black ink, appearing to read "J. Adams", with a large, stylized flourish extending from the end of the signature.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9175, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of September, 1999.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

§
§
§
§
§
§

IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

RAY L. SHACKELFORD

_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter referred to as "Petitioner"), complaining of Respondent, RAY L. SHACKELFORD, (hereinafter referred to as "Respondent"), and would show the Court the following:

I. DISCOVERY CONTROL PLAN

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 2 Discovery Control Plan. Pursuant to Rule 190.3(a), Petitioner affirmatively pleads that it seeks only monetary relief excluding costs, pre-judgment interest and attorney's fees.

II. NATURE OF PROCEEDING

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, TEXAS GOVERNMENT CODE ANNOTATED §81.001, *et seq.* (Vernon 1988 and supp. 1994); the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, and the TEXAS RULES OF DISCIPLINARY PROCEDURE. The complaint that forms the basis of this *Original Disciplinary Petition* were filed on or after May 1, 1992.

III. VENUE

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Respondent may be served by and through his attorney, Jerry L. Zunker at 812 San Antonio, Suite 105, Austin, Texas 78701-2224.

IV. CAUSE OF ACTION

This cause of action derives from the documents that were filed in Cause No. 89-28857, In the Interest of Christopher Andrew Willis, a Minor Child, In the 246th Judicial District Court of Harris County, Texas. The Complainant, Sharon K. Wall (hereinafter known as "Wall") was retained by Ms. Judith Elaine Pierson Roberts, mother of Christopher Andrew Willis, Movant in Cause No. 89-28857 to establish parentage of her child in 1995.

In or around 1996, the parties in this case discussed modifying the order and Ms. Roberts faxed an agreement with certain terms to Respondent. On or about February 11, 1997, Ms. Roberts signed an Alternative Dispute Resolution (ADR) statement before a notary. However, the ADR statement was attached to a motion to modify filed in 1997 that was dismissed.

Wall learned that on November 9, 1998 certain purported agreed documents: Agreed Motion to Modify in Suit Affecting the Parent-Child Relationship, Waiver of Citation, Agreed Order on Motion to Modify in Suit Affecting the Parent-Child Relationship, and Amended Order of Withholding from Earnings for Child Support, each bearing the purported signature of Ms. Roberts, were filed with the court. Two of the documents were notarized. These documents were also signed by Michael Earl Willis, the father and obligor, and Walter E. Strickland, as his

attorney of record. Ms. Roberts did not recall signing any of those documents. It appears that Respondent intentionally deceived the court by having someone in his office sign Ms. Robert's name to a set of documents and submitting them to the court as her signature.

Wall filed a contest to entry of the documents, a motion to strike and a motion for sanctions, setting the matter for hearing on December 11, 1998. Mr. Strickland did not appear nor did Mr. Willis. Instead, Respondent appeared for Mr. Willis. Respondent did not appear at previous hearings because he was serving a disciplinary suspension which was in effect until November 15, 1998. The matter before the court was reset to December 18, 1998.

On December 18, 1998, the parties met before the Honorable Don Ritter, Presiding Judge of the 246th District Court of Harris County, Texas for a motion for new trial or rehearing, an objection to the entry of purported agreed orders, a motion to strike pleadings, a motion to strike orders and a motion for sanctions. Ms. Roberts verified, under oath by the affidavit she signed on December 3, 1998, and filed with the court, that she did not sign any of the documents filed by Respondent on November 9, 1998, the signatures which appeared on the documents bearing her name were not her signatures, she did not give any person permission to sign her name to any of the documents filed, she did not appear before Betty J. Vallie, Notary who notarized Exhibit "A" to the Agreed Motion to Modify in Suit Affecting the Parent-Child Relationship on January 30, 1998, she did not appear before Betty J. Vallie, Notary who notarized the Waiver of Citation on October 30, 1998, nor she did not give any notary permission to notarize a document purporting to bear her signature in her absence. Ms. Roberts also denied ever meeting or speaking with Walter Strickland.

On December 18, 1998, Respondent admitted on the record in court that Ms. Roberts did not sign any of the documents nor appear before the notary. He stated that one of his legal assistants signed the documents and that they were signed with the assumption that the agreement was still in effect. He stated that the notary in his office and Darlene Daniels represented to the notary that Ms. Roberts was there.

V. RULE VIOLATIONS

The acts and/or omissions of Respondent described in Paragraph IV above which occurred on or before January 1, 1990, constitute conduct in violation of Rules **3.03(a)(1)** [for making a false statement of material fact or law to a tribunal]; **3.03(a)(2)** [for knowingly failing to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act] **3.03(a)(5)** [for knowingly offering or using evidence that the lawyer knows to be false]; and **8.04(a)(3)**[for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation].

VI.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Sharon K. Wall's filing of a complaint on or about January 12, 1999.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, RAY L. SHACKELFORD, by reprimand, suspension, or disbarment, as the facts shall warrant; restitution; and all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

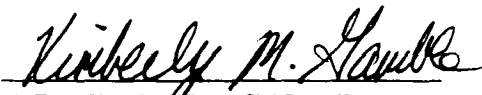
Respectfully submitted,

Dawn Miller
Acting General Counsel

Kimberly M. Gamble
Assistant General Counsel

Office of the General Counsel
State Bar of Texas

1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6932
(713) 752-2158 FAX


KIMBERLY M. GAMBLE
State Bar No. 00789804

**ATTORNEYS FOR PETITIONER,
COMMISSION FOR LAWYER
DISCIPLINE**

STATE BAR OF TEXAS



Office of the General Counsel

August 12, 1999

Mr. John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Re: Commission for Lawyer Discipline v. Ray L. Shackelford

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Ray L. Shackelford. Mr. Shackelford has designated Harris County, Texas as his principal place of practice. Request is hereby made that the court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Ray L. Shackelford
c/o Jerry L. Zunker
812 San Antonio, Suite 201
Austin, Texas 78701

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.], which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

Mr. John T. Adams, Clerk
Supreme Court of Texas
August 12, 1999
Page 2

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

I have enclosed a pre-addressed envelope for your use in transmitting the above reference documents, to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file-stamped copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,



Kimberly M. Gamble
Assistant General Counsel

KMG/lp

Enclosures



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

OCT 07 1999

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

Dear Mr. Bacarisse:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: *The Commission for Lawyer Discipline v. Ray L. Shackelford*, and a copy of the Supreme Court's order appointing the Honorable Margaret Keliher, Judge of the 44th District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Margaret Keliher
Ms. Kimberly M. Gamble
Mr. Ray L. Shackelford
Ms. Melissa Dartez



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

OCT 07 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Margaret Keliher
Judge, 44th District Court
600 Commerce Street, 3rd Floor
Dallas, Texas 75202

Dear Judge Keliher:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Shackelford and Ms. Gamble, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (713-471-3911) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
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EXECUTIVE ASST
WILLIAM L. WILLIS

OCT 07 1999

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Ms. Kimberly M. Gamble
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Ray L. Shackelford
c/o Jerry L. Zunker
812 San Antonio, Suite 201
Austin, Texas 78701

Dear Ms. Gamble and Mr. Shackelford:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Margaret Keliher, Judge of the 44th District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Ray L. Shackelford

Sincerely,

SIGNED

John T. Adams
Clerk